

HOUSE No. 2890

By Mr. Scaccia of Boston, petition of Angelo M. Scaccia and John W. Scibak for legislation to increase the personal care allowance for residents of long-term care facilities. Health Care Financing.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT TO INCREASE THE PERSONAL CARE ALLOWANCE FOR RESIDENTS OF
LONG TERM CARE FACILITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 117A of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out the second paragraph and inserting in place thereof
4 the following paragraph:—

5 Any person eligible for assistance under this chapter who is not
6 maintaining his home and is receiving care in or residing in a
7 licensed nursing facility, licensed chronic hospital, licensed rest
8 home, or an approved public medical institution as defined in
9 section 8 of chapter 118E, shall retain the first \$72.80 of his
10 monthly income for clothing, personal needs, and leisure time
11 activities. If there is no such income or if it is less than the amount
12 of \$72.80, such a person shall be paid monthly in advance the dif-
13 ference between such income and said amount. Said amount shall
14 be increased annually each fiscal year at the same time and at the
15 same percentage rate as increases payable to an individual who
16 maintains his own home and receives state supplementary pay-
17 ments pursuant to sections 1 and 2 of chapter 118A.

1 SECTION 2. Chapter 118A of General Laws, as appearing in
2 the 1998 Official Edition, is hereby amended by inserting after
3 section 7A the following new section:—

4 Section 7b. Any person eligible for financial assistance under
5 this chapter who is not maintaining his home and is in a licensed

6 medical facility which is eligible for medical assistance payments
7 pursuant to chapter 118E or is residing in a licensed rest home to
8 which such person pays a fixed rate, shall retain the first \$72.80 of
9 his monthly income for clothing, personal needs, and leisure time
10 activities. If there is no such income or if it is less than the amount
11 of \$72.80, such a person shall be paid monthly in advance the dif-
12 ference between such income and said amount. Said amount shall
13 be, increased annually each fiscal year at the same time and at the
14 same percentage rate as increases payable to an individual who
15 maintains his own home and receives state supplementary pay-
16 ments pursuant to sections 1 and 2.

1 SECTION 3. Section 15 of chapter 118E of the General Laws,
2 as appearing in the 1998 Official Edition is hereby amended by
3 striking the fourth paragraph and inserting in place thereof the
4 following paragraph:—

5 A person eligible for medical assistance under this chapter who
6 is not maintaining his own home and is receiving care in a
7 licensed nursing facility, a licensed chronic hospital, a licensed
8 rest home, or in an approved public medical institution, shall
9 retain the first \$72.80 of his monthly income for clothing, per-
10 sonal needs, and leisure time activities. If there is no such income
11 or if it is less than the amount of \$72.80, such a person shall be
12 paid monthly in advance the difference between such income and
13 said amount. Said amount shall be increased annually each fiscal
14 year at the same time and at the same percentage rate as increases
15 payable to an individual who is maintaining his own home and
16 who is receiving supplemental payments pursuant to sections 1
17 and 2 of chapter 118A.

1 SECTION 4. The Division of Health Care Finance and Policy
2 is required to conduct a study and review of the cost of all per-
3 sonal needs items paid for by residents that are not covered by the
4 Division of Medical Assistance. Said study shall be completed
5 within sixty days of the passage of this Act. The Division of
6 Health Care Finance and Policy shall submit a report on the
7 results of said study and review to the respective Committee on
8 Ways and Means of the House and the Senate not later than
9 December 31, 2006.